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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,586	09/18/2000	Glenn Adler	US000231	4088
7590 08/16/2006 Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			EXAMINER TAN, ALVIN H	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/663,586	Applicant(s) ADLER, GLENN	
	Examiner Alvin H. Tan	Art Unit 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Remarks*

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 6/9/06. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claims 1-10 and 20-26 have been examined and rejected. This Office action is responsive to the amendment filed on 5/9/06, which has been entered in the above identified application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 22 recites the limitation "the microprocessor" and "the graphics scaler" in *[line 6]* of the claim. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2173

- b. Claim 26 recites the limitation "the microprocessor" and "the graphics scaler" in *[lines 6-7]* of the claim. There is insufficient antecedent basis for this limitation in the claim.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10, 20, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Nowhere in Applicant's specification discloses a controller, comprising a microprocessor and a graphics scaler, as amended in claims 1 and 20. *[Page 7, lines 6-9]* of Applicant's specification recites that "the functions of the controller 520 are performed by sharing resources within a microprocessor and graphics scaler of the monitor 100, thereby reducing additional cost in accordance with an object of the present invention". Nowhere in the specification states that the controller comprises a microprocessor and a graphics scaler.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sony CyberFrame PHD-A55 (hereinafter CyberFrame) as supported by the product review in TechTV (hereinafter TechTV), the product description in Outpost.com (hereinafter Outpost), and the Sony Hong Kong Press Release dated April 19, 1999 (hereinafter Sony Press Release) and the Announcement entitled "Sony to Sell Liquid Crystal TV with Memory Stick" by Nikkei Industrial Daily (hereinafter Nikkei).

7-1. In the first paragraph of the Sony Press Release, it is established that the CyberFrame was released 4/19/1999. The first two paragraphs on page 2 of the Sony Press Release describe the CyberFrame product. Therefore, the CyberFrame product was made available to the public on 4/19/1999 and the TechTV and Outpost articles describe features of that CyberFrame product.

Referring to claims 1, 20, 22, 24, and 26, the CyberFrame is a monitor having an interface with a storage medium reader that reads a digital image stored on a storage

Art Unit: 2173

medium. See the second paragraph in TechTV that describes how memory sticks (storage medium) are read to display images from a digital camera.

There inherently has to be a controller to process and transfer the image from the memory stick to be displayed in the display screen of the CyberFrame. There necessarily must be some sort of controller/processor for moving the image data/file from the memory stick to the display screen.

Further, the resolution of the images may be changed. See JPEG playback in the first listed Feature in Outpost. There inherently must be a graphics scaler to perform this action. The controller, microprocessor, and graphics scaler all perform functions relating to the digital image on the memory stick. Thus, the controller shares resources (data from the memory stick) with the microprocessor and the graphics scaler. Additionally, the microprocessor, graphics scaler, and controller work together to display the image data/file from the memory stick to the display screen. Thus, the display screen is a resource associated with the microprocessor and the graphics scaler, which is shared by the controller, in order to display the image data/file.

The third paragraph in TechTV describes a user-interface operable to enable issuing a command to the controller to control the reading and display of the digital images on the display screen. See how the user can navigate through the images, rotate the images, and set up a slide show.

The CyberFrame has a mode of operation that enables display of a digital image from a storage medium (Memory Stick™) that does not require connection to a PC, however, the CyberFrame is not described as a monitor for a PC or as having a mode

Art Unit: 2173

of operation that enables the display of a video signal from a PC. However, Nikkei discloses TV with a Memory Stick™ that has a terminal that allows the TV to be used as a computer monitor (i.e. it may connect to a PC to display a digital image from the PC). See the second paragraph in the Nikkei article. The TV uses the same Memory Stick™ technology to read images from a digital camera as does the CyberFrame and thus may display the digital images in the same way as the CyberFrame (i.e. independent from the connection state to the PC). It would have been obvious to one of ordinary skill in the art to provide the same display capabilities and user-interface for displaying digital images from a Memory Stick™ as shown in the CyberFrame within the TV/Monitor in the article by Nikkei in order to provide a large screen view of the pictures from the digital camera.

As per claim 26, the monitor of CyberFrame and Nikkei inherently has to have an image buffer in order to perform the slide show capabilities as described in the fourth feature of Outpost. The images selected by the user to be displayed in intervals are read by the memory stick reader (storage medium reader) and transferred to an image buffer for storage and display on the display screen. The controller of the monitor of CyberFrame and Nikkei is also used to perform a task, unrelated to the interface for controlling the digital image. See in the Specifications of Outpost, how there is a date and time display and a clock set, which must be performed by a controller. Also, the TV of Nikkei may be used for PlayStation™ game consoles. See second paragraph.

Art Unit: 2173

7-2. Referring to claim 2, the monitor of CyberFrame and Nikkei inherently has to have an image buffer in order to perform the slide show capabilities as described in the fourth feature of Outpost. The images selected by the user to be displayed in intervals are read by the memory stick reader (storage medium reader) and transferred to an image buffer for storage and display on the display screen.

7-3. Referring to claims 3, the controller of the monitor of CyberFrame and Nikkei is also used to perform a task, unrelated to the interface for controlling the digital image. See in the Specifications of Outpost, how there is a date and time display and a clock set, which must be performed by a controller. Also, the TV of Nikkei may be used for PlayStation™ game consoles. See second paragraph.

7-4. Referring to claim 4, the controller of the monitor of CyberFrame and Nikkei processes the read digital image into a format that is compatible with the signal input of the display. See the JPEG playback in the first listed Feature in Outpost.

7-5. Referring to claims 5-6, the CyberFrame's user-interface enables the user to manipulate the image displayed, such as deleting or protecting images (stored data), sequencing the display of multiple images (slide show), resizing and rotating images. See the third paragraph of TechTV and the fourth, sixth, and seventh Features in Outpost.



Art Unit: 2173

7-6. Referring to claim 7, the manipulations are performed via on-screen menu selection through the user-interface. One of the Specifications in Outpost is an on-screen menu.

7-7. Referring to claim 8, the display screen is an LCD. See the second Feature in Outpost.

7-8. Referring to claim 9, the storage medium is a memory stick. See the first paragraph in Outpost.

7-9. Referring to claim 21, the interface of CyberFrame and Nikkei communicates with a PC via a second cable, the interface being operative to forward a video signal from the PC to the monitor in a PC mode and to forward the video signal from the interface to the monitor in an interface mode. See the second paragraph of Nikkei, which describes a separate terminal for connecting to a computer and acting as a computer monitor.

7-10. Referring to claims 23 and 25, the monitor of CyberFrame and Nikkei includes means for storing data transferred from a storage device on a PC to the storage device and means for transferring data from the storage device for the monitor to a storage device on the PC. See the 5<sup>th</sup> paragraph of TechTV, which describes getting images onto the Memory Stick™ via a PC. Also, see the 4<sup>th</sup> paragraph on page 2 of the Sony

Art Unit: 2173

Press Release, which describes how images are transferable between the Memory Stick™ and a PC.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the CyberFrame, Nikkei, and the article entitled "Sony's \$900 Picture Frame", by Mark Gimein.

The storage medium reader of CyberFrame and Nikkei is only explicitly stated as reading memory sticks. However, as Gimein points out, other types of storage medium (formats) do a good job of storing digital images and other data. See the third paragraph on page 2. It would have been obvious to one of ordinary skill in the art to modify the storage medium reader of the monitor with Memory Stick™ reader of CyberFrame and Nikkei to be able to read two or more different storage media types to make the monitor compatible with other vendor's storage technology as supported by Gimein.

### ***Response to Arguments***

9. The Examiner acknowledges the Applicants' amendments to claim(s) 1, 20, 22, and 26. Regarding claim(s) 1, 20, 22, and 26, the Applicants allege that Sony CyberFrame, the product description of Outpost.com and Sony Hong Kong Press Release and the Announcement entitled "Sony to Sell Liquid Crystal TV with Memory Stick" by Nikkei Industrial Daily as described in the previous Office action, does not explicitly teach "wherein resources associated with the microprocessor and the graphics

Art Unit: 2173

scaler are shared", as has been amended. Examiner notes that the resources associated with the microprocessor and graphics scaler may be broadly interpreted as any physical or virtual system component used by the microprocessor and graphics scaler. Such resources may be data or an output display. Therefore, contrary to Applicant's arguments, Sony CyberFrame, the product description of Outpost.com and Sony Hong Kong Press Release and the Announcement entitled "Sony to Sell Liquid Crystal TV with Memory Stick" by Nikkei Industrial Daily teaches a monitor having an interface with a storage medium reader that reads a digital image stored on a storage medium. See the second paragraph in TechTV that describes how memory sticks (storage medium) are read to display images from a digital camera. There inherently has to be a controller to process and transfer the image from the memory stick to be displayed in the display screen of the CyberFrame. There necessarily must be some sort of controller/microprocessor for moving the image data/file from the memory stick to the display screen. Further, the resolution of the images may be changed. See JPEG playback in the first listed Feature in Outpost. There inherently must be a graphics scaler to perform this action. The controller, microprocessor, and graphics scaler all perform functions relating to the digital image on the memory stick. Thus, since the microprocessor and the graphics scaler use digital image information on the memory stick, the digital information is a resource that is associated with the microprocessor and the graphics scaler. Therefore, the controller shares resources (data from the memory stick) associated with the microprocessor and the graphics scaler. Additionally, the microprocessor, graphics scaler, and controller work together to display the image

Art Unit: 2173

data/file from the memory stick to the display screen. Thus, the display screen is a resource associated with the microprocessor and the graphics scaler, which is shared by the controller, in order to display the image data/file. Consequently, and given the broadest, most reasonable interpretation of their claim language, Sony CyberFrame, the product description of Outpost.com and Sony Hong Kong Press Release and the Announcement entitled "Sony to Sell Liquid Crystal TV with Memory Stick" by Nikkei Industrial Daily are still considered to teach claim(s) 1, 20, 22, and 26.

Applicant states that dependent claims 2-10, 21, and 23-25 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claims 1, 20, and 22. However, as discussed above, Sony CyberFrame, the product description of Outpost.com and Sony Hong Kong Press Release and the Announcement entitled "Sony to Sell Liquid Crystal TV with Memory Stick" by Nikkei Industrial Daily are considered to teach claims 1, 20, and 22, and consequently, claims 2-10, 21, and 23-25 are rejected.

### ***Conclusion***

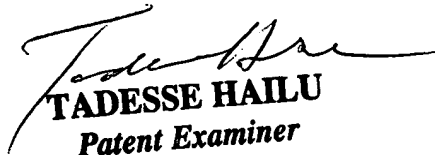
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Thu 9:30-7 and alternating Fridays 9:30-6.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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